

Councilman Allen Schmid introduced the topic of Stormwater, citing a meeting held by the Cities of Yakima, Moxee, Union Gap and Selah. He stated they wanted to learn if the County and cities would support a joint partnership for stormwater planning. He referred to an email he received from Yakima County Commissioner Mike Leita, outlining the following four points:

1. Whether or not to support the Joint Partnership Application to DOE
2. Whether the RSPG process is to open to the public
3. Whether value engineering should be used as currently defined
4. Designate each jurisdiction's one elected representative (and a designated elected alternate) and one staff person to the RSPG discussion table.

He stated that is why the Council is having a Study Session today. He stated the regional plan is starting at ground zero, but the City of Selah received a Salmon Recovery grant two years ago to develop a stormwater plan, which has been done. He introduced Ted Pooler from Huibregtse, Louman Associates.

Mr. Pooler handed out a Department of Ecology fact sheet. He gave the background of the Clean Water Act, which was updated to include non-point sources such as stormwater, agricultural runoff, etc. He stated Phase II of the National Pollution Discharge Elimination System (NPDES) rules impact areas such as the Yakima Valley, requiring cities to develop and implement a stormwater management program that:

- Reduces the discharge of pollutants to the "maximum extent practicable"
- Protects water quality
- Satisfies appropriate requirements of the Clean Water Act

He noted six minimum control measures each of which is discussed in Selah's plan.

1. Public Education and Outreach – these are important because otherwise you have no control of what people might be dumping where. He gave examples of oil disposal, over fertilization, etc. It can really help protect the surface waters.

2. Public Participation/Involvement - getting people to take ownership, getting them out to participate in discovery of current practices and protection from dangerous practices.

Councilman Schmid noted one way in which Selah scored points with the Department of Ecology was with temporary catch basins for car washes, both having them available and involving the school in the production.

Mr. Pooler continued:

3. Illicit Discharge Detection and Elimination – Its purpose is to find and eliminate problems of stormwater, sewer load and it may ultimately affect the WWTP load. He pointed out that the first two items can easily be done on a regional basis, whereas number three is strictly local.

4. Construction Site Run-off Control has been in place state-wide for several years disturbing 5 or more acres, but now is down 1 acre with cities being able to tighten area restrictions even more. He noted we can all recognize the potential of construction dust contaminating water or tracking mud into the streets from residential construction.

5. Post-Construction Runoff Control (Development and Redevelopment Control) has been discussed in the manual for Stormwater Mgmt in Eastern Washington, a document which is in progress, a living document. He stated the Department of Ecology has spent effort in developing guidelines that provide for decisions that a local jurisdiction can make. Some may work well for one municipality and others may not.

He gave examples of using grassy swales or small retention ponds of management methods that might or might not work. He suggested that at a minimum, the City of Selah could adopt this manual. He stated it includes three ordinances that could be adopted - whether that is region-wide or localized. He stated the illicit discharge ordinance would be the easiest to face, setting dumping regulations. He stated Construction-site Runoff Control is more difficult because it includes decision necessary for exemption to City of Selah permit. He stated Post Construction is going to be your Stormwater Management program, and will discuss everything from modifications to the Eastern Washington Storm Manual, if that's what you choose to adopt, to who does inspections, who's responsible for what, who pays for inspections, bonding, etc. The Selah Stormwater Mgmt Plan includes draft Ordinances, so there is a start, but it will require a significant effort to put those together.

6. Pollution Prevention/Good Housekeeping (essentially what the Public Works Department does) street sweeping, burn response teams, etc.

He cited two additional Standards that require compliance by operators of a small Municipal Separate Storm Sewer System (MP4s):

7. Fulfillment of requirements of an approved TMDL (total maximum daily load) water cleanup plan, which in Selah would be tying stormwater discharge in with pollution prevention in the Selah Ditch.

8. Record keeping, evaluation and reporting on the progress of the program. BMP's (Best Management Practices) will demonstrate compliance by documenting progress in each of the areas.

Mr. Pooler passed around Ecology Schedule for the Eastern Washington noting we're in the stage where no permit's having been issued, and it's open for public discussion. He stated the next step is the final draft permit. There will be Public Hearings on the final draft permit in February of 2006. The plan is to issue the final permit in June of 2006 and begin the five-year period to get the plan in place.

Councilman Smeback asked what happens if we don't do this at all.

Mr. Pooler responded there are penalties or fines by the Department of Ecology or even the Environmental Protection Agency per day/per discharge penalties. He noted you also open yourself to third-party lawsuits where someone outside the agency or the City could initiate a suit. He stated that's why we're looking hard at this now. DOE is issuing a general stormwater permit for Eastern Washington. If you go under a regional plan then the coverage would be over all of the entities under the regional plan. A general permit is easier for Ecology. He emphasized that the Eastern Washington Manual is "guidance," but if you take wording out of the manual and include it in the permit, it becomes a legal document.

Mr. Pooler handed out Appendix A, which explains the financial implications and sources for the Phase II Municipal Stormwater Grants Program. He said the State Legislature allotted \$2.7million in grants to municipalities affected by Phase II to implement stormwater plans, rate structures, etc. He said the City of Selah ranked ninth out of 150 entities, making us already qualified for a \$75,000 grant to implement our stormwater plan by November 19, 2005. He said the cities of Yakima and Union Gap were also ranked; however, Yakima County is outside the ranking. He stated there is a Special Partnership grant of \$300,000 and Yakima County might receive a \$75,000 grant through such a partnership.

Councilman Schmid stated the Department of Ecology has pretty much assured Yakima County that they would get \$75,000 if they all went together with Yakima, Union Gap and Moxee.

Mayor Jones asked where the additional monies come from.

Mr. Pooler responded that all of the involved entities would likely need to contribute additional funds required above the grant amounts. If you were to go in on a regional plan there are lots of activities, perhaps each community would foot the bill for their own cost of mapping their system, each community could share money for developing ordinances, being careful to stay within the \$300,000. Mr. Pooler noted

Selah has most of the mapping done, we still need to do more illicit discharge detection, but for the most part all of the surface features have been done. The ordinances are in draft form. \$75,000 would go a long way toward getting Selah's program set up.

Keith Larson asked what the advantage would be in joining the regional effort since it seems as though Selah has a head start.

Herb Schmidt stated we must be ahead of most of the other entities.

Mr. Pooler acknowledged that is his impression; however, he stated, "I don't work specifically with the other entities, so it's difficult to judge how far along they are." He added it will take a considerable amount of time to do the County mapping.

Councilman Smeback stated he has reservations about committing taxpayer dollars without more information.

Councilman Schmid said he didn't think anybody has that answer.

Mayor Bob Jones stated he remembers the battle with the Department of Ecology and praised former Yakima Council Member Clarence Barnett for causing Ecology to develop the guidelines for Eastern Washington, rather than including it under the guidelines for Western Washington.

Councilman Schmid stated this document will be a working document; it will grow and stretch as it's used.

Mayor Jones stated we should make it as easy on the taxpayer as possible, noting Selah has been proactive. We should be able to proceed with our document.

Councilman Smeback stated the regional seems more logical because all of the cities affect the Yakima River, but dollar-wise it doesn't seem like a good decision.

Mayor Jones declared a four-minute recess.

Activities in Projects Eligible for Grant Assistance.

- *Public education, information, and communication;*
- *Establishing and refining stormwater utilities (including stable rate structures, developing stormwater ordinances and regulations, and other capacity building activities to facilitate ongoing stormwater management needs);*
- *Mapping and geographic information system of stormwater sources;*
- *Review existing and model stormwater regulations;*
- *Conducting inventories of stormwater sources;*
- *Source control activities, such as erosion control projects involving plantings, drain stenciling, etc.;*
- *Completing detailed plans: e.g., general stormwater management plans, and facilities plans (including financing options and choices) to meet the Phase II Stormwater Management NPDES Permit requirements, etc.*